

1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

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4 RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Name HENDERSON CURTIS LEE, SR.

FILED

FEB 28 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND4 (Last)
(First) (Initial)5 CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

6 Prisoner Number H-43488

6 Institutional Address P.O. BOX 3481 CORCORAN

7 CALIFORNIA 93812

8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 CURTIS LEE HENDERSON, SR.

(Enter the full name of plaintiff in this action.)

12 vs.

13 J. PETERSON, C. SPEAKER, J.T.

14 PATCH, M.D. BULLOCK, S.L. THOMPSON

15 J. MCBRIDE, DA. CHRIST, G. KELLY

16 K. GETZ, J. BROWN, S. LUCKETT, R. TUSPY

17 M. COOK, K. CRUSE, J. AKIN, J. MALLION

18 D. MANDEL, S. WRIGHT ET AL

Case No. C 07-2838 SBA PR

f court)
SECOND AMENDED COMPLAINT
COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983

19 [All questions on this complaint form must be answered in order for your action to proceed.]

20 I. Exhaustion of Administrative Remedies

21 **[Note:** You must exhaust your administrative remedies before your claim can go
forward. The court will dismiss any unexhausted claims.]

22 A. Place of present confinement CORCORAN STATE PRISON

23 B. Is there a grievance procedure in this institution?

24 YES NO 25 C. Did you present the facts in your complaint for review through the grievance
procedure?26 YES NO

27 D. If your answer is YES, list the appeal number and the date and result of the appeal at

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal APPEAL # PBSP 06-02079 WAS BYPASSED TO THE SECOND
4 LEVEL. APPEAL # PBSP 06-02922 WAS BYPASSED TO THE SECOND LEVEL.
5 APPEAL # PBSP 06-0051 WAS DENIED ON 11/27/06 2. First
6 formal level APPEAL # PBSP 06-0051 WAS DENIED AT THIS LEVEL ON
7 1-24-07.

8

9 3. Second formal level APPEAL # PBSP 06-02079 WAS DENIED ON 10-17-06.
10 APPEAL # PBSP # 06-02922 WAS DENIED ON 1-10-07. APPEAL # 06-0051
11 WAS DENIED ON 2-9-07. 4 Third
12 formal level APPEAL # PBSP 06-02079 WAS DENIED ON 1-29-07. APPEAL #
13 06-0051 WAS DENIED ON JUL 8, 2007. APPEAL # 06-02922 WAS DENIED
14 ON JULY 30, 2007.

15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES NO

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why. ALL CLAIM HAVE BEEN PRESENTED.

20
21 II. Parties

22 A. Write your name and your present address. Do the same for additional plaintiffs,
23 if any.

24 CURTIS LEE HENDERSON SR CICR# H-43488 P.O. BOX 3481
25 CORCORAN # CALIFORNIA 93212.

26
27 B. Write the full name of each defendant, his or her official position, and his or her

1 J. PETERSON, IS A CORRECTIONAL OFFICER AT
 2 PELICAN BAY STATE PRISON, HEREAFTER (PBSP) HIS BADGE NO* IS
 3 59276 HIS OFFICIAL POST ASSIGNMENT WAS * 271630 AND
 4 POSITION WAS B5 FLOOR OFFICER #2 AND SUED IN HIS OFFICIAL
 5 AND INDEVIDUAL CAPACITY.

6 C. SPEAKER, IS A CORRECTIONAL OFFICER AT PBSP
 7 HIS BADGE NO* IS 47595 HIS OFFICIAL POST ASSINMENT WAS
 8 ~~371605~~ AND HIS POSITION WAS B5-FLOOR OFFICER #2 AND IS
 9 SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

10 J.T. PATCH IS A MEDICAL TECHNICAL ASSISTANT AT
 11 PBSP HIS BADGE NO* IS 68736 HIS OFFICIAL POST ASSIGNMENT
 12 WAS *374025 AND HIS POSITION WAS FACILITY "B" MEDICAL
 13 CLINIC AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL
 14 CAPACITY.

15 MD. BULLOCK, IS A CORRECTIONAL OFFICER AT PBSP
 16 HIS BADGE NO* IS 66514. HIS OFFICIAL POST ASSIGNMENT WAS
 17 *371598. AND HIS POSITION WAS B4 FLOOR OFFICER #2 AND IS
 18 SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

19 S.L. THOMPSON, IS A CORRECTIONAL SERGEANT AT
 20 PBSP HIS BADGE NO* IS 49523 HIS OFFICIAL POST ASSIGNMENT
 21 WAS *370375 AND HIS POSITION WAS B#1 FACILITY PROGRAM
 22 SERGENT AND SUED IN HIS OFFICIAL AND INDIVIDUAL
 23 CAPACITY.

24 J. McBRIDE, IS A CORRECTIONAL OFFICER AT PBSP
 25 HIS BADGE NO* IS 44198 HIS OFFICIAL POST ASSIGNMENT WAS
 26 ~~271006~~. AND HIS POSITION WAS SECURITY SQUAD OFFICER #6 AND
 27 IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

1 D.A. CHRIST, IS A CORRECTIONAL LIEUTENANT HIS
 2 BADGE NO* IS 35940 HIS OFFICIAL POST AT PBSP WAS 370162 AND
 3 HIS POSITION WAS FACILITY LIEUTENANT B YARD. AND IS SUED IN
 4 HIS OFFICIAL AND INDIVIDUAL CAPACITY.

5 G. KELLY IS A CORRECTIONAL CAPTAIN AT PBSP HIS
 6 POST ASSIGNMENT IS UNKNOWN AT THIS TIME. HIS POSITION WAS
 7 B FACILITY CAPTAIN AND IS SUED IN HIS OFFICIAL AND
 8 INDIVIDUAL CAPACITY.

9 K. GETZ, IS A CORRECTIONAL OFFICER HER BADGE
 10 NO* IS UNKNOWN AT THIS TIME. HER OFFICIAL POST AT PBSP IS
 11 UNKNOWN AT THIS TIME. HER POSITION WAS B7, FACILITY FLOOR
 12 OFFICER. AND SUED IN HER OFFICIAL AND INDIVIDUAL CAPACITY.

13 J. BROWN, IS A CORRECTIONAL OFFICER AT PBSP HIS
 14 BADGE NO* IS UNKNOWN AT THIS TIME. HIS OFFICIAL POST IS
 15 UNKNOWN AT THIS TIME. HIS POSITION WAS B6, FACILITY FLOOR
 16 OFFICER AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

17 S. LUCKETT, IS A CORRECTIONAL OFFICER HIS BADGE
 18 NO* IS UNKNOWN AT THIS TIME. HIS OFFICIAL POST AT PBSP IS
 19 UNKNOWN AT THIS TIME. HIS OFFICIAL POSITION WAS B7,
 20 FACILITY FLOOR OFFICER. AND IS SUED IN HIS OFFICIAL AND
 21 INDIVIDUAL CAPACITY.

22 R. TUPY IS A CORRECTIONAL LIEUTENANT AT PBSP
 23 HIS BADGE NO* IS UNKNOWN AT THIS TIME. HIS OFFICIAL POST
 24 IS UNKNOWN AT THIS TIME. HIS OFFICIAL POSITION WAS
 25 "B" FACILITY LIEUTENANT.

26 M. COOK, IS THE ASSOCIATE WARDEN OF THE
 27 GENERAL POPULATION AND SUED IN HIS OFFICIAL AND
 28 INDIVIDUAL CAPACITY.

1 K. CRUSE, IS A CORRECTIONAL COUNSELDR AT
 2 PELICAN BAY STATE PRISON AND SUED IN HIS OFFICIAL AND
 3 INDIVIDUAL CAPACITY

4 J. AKIN, IS A CORRECTIONAL LIEUTENANT AT PBSP
 5 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

6 J. MOULTON IS A PHD. AT PBSP AND IS
 7 SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

8 D. MANDEL, IS A PHD SUPERVISOR AT PBSP
 9 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY

10 S. WRIGHT IS A CORRECTIONAL SERGENT AT PBSP
 11 FOR THE ADMINISTRATIVE SEGREGATION UNIT AND IS SUED
 12 IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

13 III.

14 STATEMENT OF THE FACTS

15 1). FOR A NUMBER OF YEARS I ~~CHATS~~ LEE HENDERSON
 16 SR. HAVE BEEN A PATIENT OF THE CORRECTIONAL CLINICAL
 17 CASE MANAGEMENT SYSTEM (CCMS). AND I HAVE BEEN
 18 INFORMED BY PRISON STAFF THAT I AM EXCLUDED FROM
 19 PBSP SECURITY HOUSING UNIT (SHU) DUE TO MY MENTAL
 20 ILLNESS.

21 2). DUE TO THE ONGOING VIOLENCE AT PBSP I HAD
 22 BEEN REFUSING CELL MATE'S BECAUSE I FEARED FOR MY
 23 SAFETY. AND I INFORMED PRISON OFFICIAL OF THAT FACT
 24 ON NISMERIOUS OCCASION'S WHICH HAS BEEN THOROUGHLY
 25 DOCUMENTED. AND I CONTINUE TO INFORM STAFF THAT I
 26 HAVE A RIGHT UNDER THE EIGHTH AMENDMENT OF THE U.S.
 27 CONSTITUTION TO BE ~~RE~~ REASONABLY PROTECTED AND THAT
 28 SINGLE CELL STATUS PROVIDED THAT PROTECTION.

1 3). ON OR ABOUT OCTOBER 13TH, 2005, I WAS TRANS-
 2 FERED TO THE FRESNO COUNTY JAIL FOR AN EVIDENTIARY HEARING
 3 ON MY COMMITMENT OFFENSE.

4 4). ON 2/21/06 I WAS RETURNED TO FBSP AT
 5 WHICH TIME I WAS INFORMED BY LIEUTENANT M.L. MILLER,
 6 THAT I HAD ENEMIES ON BOTH FACILITIES "A" AND "B". AND
 7 I WAS PLACED IN ADMINISTRATIVE SEGREGATION UNIT(ASU)
 8 BECAUSE I DID NOT KNOW WHO THESE ENEMIES WERE I
 9 CONTINUED TO REFUSE A CELLMATE.

10 5). ON 3/1/06 I WENT BEFORE THE CLASSIFICATION
 11 COMMITTEE WHO'S MEMBERS CONSISTED OF THE CHAIRPERSON
 12 F. JACQUEZ, FACILITY CAPTAIN M. SMELOSKY, LICENSE CASE
 13 SOCIAL WORKER (LCSW) B. DAVIS, AND THE RECORDER N. THREM
 14 WHO INFORMED ME THAT I WILL REMAIN IN (AD-SEG)ASU
 15 DUE TO ENEMY CONCERN'S AND PLACED ME ON "S" SUFFIX
 16 WHICH STAND'S FOR SINGLE CELL STATUS.

17 6). ON 4/19/06 I WENT BEFORE THE CLASSIFICATION
 18 COMMITTEE WHO'S MEMBERS CONSISTED OF THE CHAIRPERSON
 19 M. CASTELLAW, FACILITY CAPTAIN P. TERRY, LCSW B. DAVIS AND THE
 20 RECORDER N. THREM, WHO AGAIN INFORMED ME THAT I
 21 WOULD BE RETAINED IN ASU DUE TO ENEMY CONCERN'S
 22 AND AGAIN PLACED THE "S" SUFFIX.

23 7). ON 5/24/06 I WENT BEFORE THE CLASSIFICATION
 24 COMMITTEE WHO'S MEMBERS CONSISTED OF THE CHAIRPERSON
 25 THE DEFENDANT M. COOK, FACILITY CAPTAIN M. MILLER., PH.D
 26 M. ROSS. AND THE RECORDER THE DEFENDANT K. CRUSE.
 27 THE DEFENDANT M. COOK IN A THREATENING VOICE AND
 28 DEMENOR TOLD ME,

1 "I'M TAKING YOU OFF SINGLE CELL STATUS
2 AND IM PLACING YOU ON THE YARD SO
3 DONT BE CRYING ABOUT IT"

4 8). I PROTESTED TO THIS DECISION INFORMING THE
5 DEFENDANT THAT IT WAS ILLEGAL TO PLACE MY SAFETY, AND
6 SECURITY, IN SUCH DANGER. AND THAT I HAD AN EIGHTH
7 AMENDMENT RIGHT TO BE PROTECTED. HE SAID,

8 "SO WHAT I DONT CARE ABOUT ALL
9 THIS LEGAL MUMBO JUMBO YOU'VE
10 BEEN TALKING ABOUT."

11 9). THE DEFENDANT K.CRUZE SAID TO ME IN A LOUD
12 VOICE,

13 "STOP CRYING GO OUT THERE AND
14 BE A MAN HANDLE YOUR BUSINESS"

15 10). THE DEFENDANT'S THEN PLACED ME IN THE GENERAL
16 POPULATION IN THE CELL 4B-7-122 WITH A KNOWN SEXUAL
17 PERVERT INMATE CURTIS JACKSON.

18 11). PBSP HAS A PRACTICE IT USES ON SEXUAL PERVERTS
19 IN ASU THE CELL DOOR IS COVERED WITH A BRIGHT YELLOW
20 PLEXYGLASS WHICH ANNOUNCES TO EVERY ONE THAT THE
21 OCCUPANT OF THE CELL IS A SEXUAL PERVERT.

22 12). IN THE GENERAL POPULATION A YELLOW WOOD
23 BLOCK MEASURING ABOUT 4" LONG, x 4" WIDE x 2" THICK
24 IS LOCKED ONTO THE CELL DOOR. THIS BLOCK WAS NOT
25 THERE WHEN I WAS FORCED INTO THE CELL AND FORCED
26 TO SIGN A COMPATIBILITY SLIP UNDER THE THREAT OF
27 LOSING MY PROPERTY. BUT THE YELLOW BLOCK WAS PUT THERE
28 AFTER I WAS PLACED IN THE CELL.

1 13). THIS WAS RETALIATION FOR THE EXERCISE OF
 2 MY CONSTITUTIONAL EIGHTH AMENDMENT RIGHT.

3 14). THE PLACEMENT OF THE BLOCK PUT MY SAFETY IN
 4 DANGER AS INMATES LOOK ~~8~~ WITH DISFAVOR UPON SUCH
 5 INMATES. THE PLACEMENT OF THE YELLOW BLOCK WAS A
 6 SPEAKING SILENCE THAT PLACED MY LIFE IN DANGER AS
 7 EVERY INMATE KNOWS THE MEANING OF THE YELLOW BLOCK.
 8 THE DEFENDANT'S ACTIONS SERVED NO LEGITIMATE GOALS
 9 OF THE CORRECTIONAL INSTITUTION AND WAS ARBITRARY
 10 AND CAPRICIOUS.

11 15). I THEN REFUSED TO GO IN THE CELL, AND I
 12 WAS PLACED IN A HOLDING CELL FROM 1000 AM UNTIL
 13 ABOUT 7 OR 8 P.M.

14 16). I WAS THEN MOVED TO B BUILDING AND AGAIN
 15 I REFUSED A CELLMATE BECAUSE OF MY FEAR OF BEING
 16 DOUBLE CELLED.

17 17). I WAS RETALIATED AGAINST BY MOVING ME
 18 TO B BUILDING THE DEFENDANT J. BROWN, ON 7/15/06
 19 THEN BROUGHT INMATE GAITHER T-31937 TO THE CELL AND
 20 ORDERED ME TO DOUBLE CELL WITH HIM I INFORMED
 21 THE DEFENDANT THAT HIS ORDER WOULD VIOLATE MY
 22 CONSTITUTIONAL RIGHTS UNDER THE EIGHTH AMENDMENT

23 18) THE DEFENDANT J. BROWN THEN ORDERED
 24 ME TO DOUBLE CELL WITH INMATE MCCLAURIN, H-44652
 25 AND AGAIN I REFUSED.

26 19). THE DEFENDANT J. BROWN THEN RETALIATED
 27 BY GIVING ME A RULE VIOLATION REPORT FOR REFUSAL TO
 28 OBEY ORDERS AND MOVED ME TO 7 BUILDING.

1 20). ON MY ARRIVAL TO 7 BUILDING I INFORMED
 2 THE DEFENDANT J. BROWN, K.GETZ, AND S. LUKEET THAT
 3 I WILL BE FILING A COMPLAINT BECAUSE THERE ACTIONS
 4 ARE UNCONSTITUTIONAL THE DEFENDANT K.GETZ THEN
 5 TOLD ME,

6 "LEARN TO DEAL WITH IT"
 7 AND THEN THE DEFENDANTS K.GETZ AND S.LUKEET
 8 RETALIATED BY CONFISCATING MY TELEVISION AND
 9 PLACED ME ON AN UNOFFICIAL AND ILLEGAL "C" STATUS
 10 WHICH MENT THAT I COULD NOT HAVE A T.V. NO CATEEN NO
 11 PACKAGES NO PHONE CALL'S NO PRIVILEGES.

12 21). I PROTESTED TO THESE ILLEGAL ACTS AND
 13 REQUESTED TO SEE THE SERGENT BECAUSE AN INMATE
 14 CAN ONLY BE PLACED ON "C" STATUS ONLY BY A CLASSI-
 15 FICATION COMMITTEE AND ONLY FOR REFUSING TO WORK.

16 22). THE DEFENDANT THEN GAVE ME A RULE
 17 VIOLATION FOR DEYLAVING A PEACE OFFICER. THESE
 18 ACTS WERE RETALITORY FOR THE EXERCISE OF MY FIRST
 19 AND EIGHTH AMENDMENT RIGHTS FOR TELLING THE
 20 DEFENDANT SK.GETZ WHO WROTE THE REPORT THAT I WILL BE
 21 FILING A COMPLAINT. IT WAS MENT TO CHILL THE EXERCISE
 22 OF MY RIGHTS.

23 23). ON 8/6/06 THE DEFENDANT R.TUPY FOUND
 24 ME GUILTY OF BOTH RULE VIOLATIONS AND THEN MOVED
 25 ME TO 5 BUILDING THIS WAS FURTHER RETALIATION.

26 24) I WAS MOVED 6 TIME'S FROM CELL TO CELL,
 27 IT WAS A COLLECTIVE RETALITORY MEASURE AND NEFARIOUS
 28 SCHEME BY ALL THESE DEFENDANTS,

1 TO PRESSURE ME INTO RELINQUISHING MY RIGHTS.

2 25). ON AUGUST 16, 2006 THE DEFENDANTS J.
 3 PETERSON AND C. SPEAKER ATTEMPTED TO PLACE ME IN A
 4 DOUBLE CELL SETTING WITH ANOTHER INMATE WHOM IS UNKNOWN
 5 TO ME AT THIS TIME. WHEN I REFUSED THE DEFENDANTS
 6 PLACED ME IN HAND CUFFS AND PUT ME IN A CAGE APPROX-
 7 MATELY 2½ FEET WIDE, 2½ FEET LONG AND 7 FEET HIGH
 8 WHERE I STAYED FROM 3P.M. TO ABOUT 6 OR 7P.M. THE
 9 EXACT TIME IS UNKNOWN TO ME AT THIS TIME. THE DEFENDANTS
 10 THEN CAME TO PLACE ME IN ANOTHER CELL. I INFORMED THE
 11 DEFENDANT S.L. THOMPSON THAT I HAD SAFETY CONCERNs,
 12 AND SHOWED HIM AND DEFENDANT PETERSON DOCUMENTATION
 13 THAT CLEARLY SHOWED THAT I HAD ENEMIES ON THE YARD
 14 AND FEARED FOR MY SAFETY AND THAT IS WHY I CHOOSE TO
 15 REMAIN ON SINGLE CELL STATUS.

16 26). THE DEFENDANTS IGNORE MY DOCUMENTATION
 17 MY CONCERNs AND MY CONSTITUTIONAL RIGHTS. THEN
 18 PLACED ME IN CELL B5-112 WHERE AN INMATE UNKNOWN TO
 19 ME BY NAME, WHO'S AKA IS HARRY "O" WAS ASSIGNED. THIS
 20 INMATE TURNED OUT TO BE AN ACTIVE MEMBER OF THE
 21 BLOOD'S STREET GANG. CDCR HAS ME LISTED AS A MEMBER
 22 OF THE CRIPS (WHICH I DENY) ALTHOUGH THE LISTING AS A
 23 CRIP AND PLACING ME IN THE CELL WITH A BLOOD, PUT MY LIFE
 24 IN IMMEDIATE DANGER AND VIOLATED MY SAFETY AND
 25 SECURITY. THE BLOOD INMATE WAS TELLING ME THAT THE C/O'S
 26 (CORRECTIONAL OFFICERS) WAS TRYING TO SET ONE OF US
 27 UP. IT WAS AT THIS TIME I BEGAN HAVING CHEST PAINS.
 28 I NOTIFIED THE DEFENDANT C. SPEAKER,

1 WHO CAME TO THE CELL. I TOLD HIM I WAS HAVING CHEST
2 PAINS. AND THAT I NEEDED TO SEE THE MEDICAL TECHNICAL
3 ASSISTANT (MTA) I ALSO INFORMED HIM THAT I NEEDED TO
4 BE MOVED RIGHT AWAY.

5 27). THE DEFENDANT'S PETERSON. AND SPEAKER BOTH
6 ESCORTED ME TO THE RETUNDA. PETERSON TOLD ME THAT, ~~HE~~

7 "I NEEDED TO QUIT FUCKEN
8 PLAYING GAMES"

9 AND THE DEFENDANT SPEAKER INSTRUCTED ME TO RAISE MY
10 ARM'S OUT TO THE SIDE AND TO SPREAD MY LEG'S SO THAT
11 HE CAN SEARCH ME. I COMPLIED. THE DEFENDANT SPEAKER
12 THEN REMOVED FROM MY POCKET MY ADDRESS BOOKLET
13 ALONG WITH SOME PAPER NAPKINS. HE THEN THREW THESE
14 ITEMS ON THE FLOOR AT MY FEET (I DIDNT THINK ANYTHING
15 OF THIS ACTION BECAUSE INMATES ARE ALLOWED TO
16 RETRIEVE THERE ITEMS AFTER A SEARCH AND REPOCKET
17 THEM) WHEN I SAT DOWN THE DEFENDANT J. PETERSON THEN
18 KICKED MY ADDRESS BOOKLET ACROSS THE FLOOR INTO THE
19 OFFICE DOORWAY AND SAID

20 "YOUR NOT GOING TO GET THAT"
21 I ASKED HIM "WHY?" HE SAID,

22 " IF YOU WANT TO PLAY GAMES
23 I CAN PLAY TOO"

24 I TOLD HIM THAT THERE ARE VERY IMPORTANT PAPERS
25 ADDRESSES AND PHONE NUMBERS OF FAMILY HE THEN BECAME
26 VERY HOSTILE. I WAS SITTING IN A CHAIR AT THIS TIME
27 AND HE CAME AND STOOD RIGHT IN FRONT OF ME AND YELL'D
28 "FUCK THAT I THOUGHT YOU WAS,

1 HAVING CHEST PAINS."

2 AND I YELLED BACK "WHY ARE YOU TREATING ME THIS WAY?"

3 THIS DEFENDANT INTENTIONALLY DEPRIVED ME OF MY

4 ADDRESS BOOK WITHOUT DUE PROCESS OF LAW AND WAS

5 RETALIATION FOR THE EXERCISE OF MY FIRST, AND EIGHTH

6 AMENDMENT'S AND THE EQUAL PROTECTION CLAUSE OF THE

7 FOURTEENTH AMENDMENT RIGHT TO REMAIN IN CONTACT

8 WITH FAMILY, LAWYERS, INVESTIGATORS AND THE COURT.

9 BECAUSE WITHOUT THOSE ADDRESSES I COULDNT CONTACT

10 ANYONE. AND THE ONLY COURT I COMMITTED TO MEMORY WAS

11 THE DEL NORTE COUNTY SUPERIOR.

12 28) I THEN GOT UP ~~OFF~~ THE CHAIR WALKED AROUND

13 THE DEFENDANT SPEAKER, AND I BELIEVE I EVEN SAID

14 EXCUSE-ME AND BENT OVER TO PICK UP MY ADDRESS

15 BOOKLET. THE DEFENDANT SPEAKER GRABBED MY LEFT ARM

16 AND THE DEFENDANT PETERSON PULLED OUT HIS BATON

17 AND WITH BOTH HANDS DROVE IT INTO MY BACK LIKE A

18 STAKE AS I WAS BENT OVER PICKING UP MY PROPERTY. THE

19 DEFENDANT SPEAKER THEN HELD ON TO MY LEFT ARM WITH

20 HIS LEFT HAND. HE THEN PULLED HIS BATON AND HIT ME AT

21 THE BASE OF MY SKULL MY NECK AND SHOULDER BLAIDS.

22 THE DEFENDANT PETERSON HAD STARTED HITING ME ON MY

23 THIGHS. I WAS PLEADING FOR THEM TO STOP I SAID

24 "ALRIGHT ALRIGHT, STOP STOP" BUT THEY CONTINUED TO

25 ASSAULT ME. I MANAGED TO GET FREE OF THE DEFENDANT

26 SPEAKERS HOLD ON MY ARM I THEN STEPPED AS FAR

27 AWAY AS I COULD FROM THE TWO DEFENDANTS TO PREVENT

28 FROM BEING BEATEN ANY WORSE.

1 AND EVENTHOUGH I MISTAKENLY CALLED HIM LIEUTENANT
 2 MCKINNEY, HE KNEW I WAS TALKING TO HIM. HE LOOKED RIGHT
 3 AT ME WE MADE EYE CONTACT, JUST AS I DID WITH LIEUTENANT
 4 CHRIST. HE LOOKED AROUND DUMBFOUNDEDLY AND WALKED
 5 RIGHT OUT THE DOOR FOLLOWING THE DEFENDANT CHRIST. THIS
 6 DEFENDANT JUST STOOD BY AND LET AN UNLAWFUL BEATING
 7 TO CONTINUE HE WAS THE HIGHEST RANKING OFFICIAL HE HAD
 8 THE OPPORTUNITY AND AUTHORITY TO STOP THE BEATING AND
 9 CHOOSE TO DO NOTHING. THIS ALSO AMOUNTS TO DELIBERATE
 10 INDIFFERENCE. IT WAS A SPEAKING SILENCE TO THE
 11 DEFENDANT TO CONTINUE. BECAUSE THEY PAUSED WHEN I
 12 PLEADED FOR HELP AND THEY TO LOOKED AT THE DEFENDANT
 13 KELLY TO SEE IF HE WOULD SAY OR DO ANYTHING TO AID ME.
 14 WHEN HE WALKED OUT THEY CONTINUED. BOTH DEFENDANTS
 15 CHRIST AND KELLY WERE STANDING ABOUT 10 TO 12 FEET
 16 AWAY FROM WHERE I WAS ON THE GROUND.

17 33). THEN I SEEN J. MCBRIDE STANDING DIRECTLY
 18 OVER ME HOLDING A CAMERA AND A SOFT COVER BRIEF CASE
 19 AND I SAID TO HIM THAT HE KNOWS THAT I SHOULD NOT BE
 20 TREATED THIS WAY HE LOOKED AT ME LIKE HE DIDN'T EVEN
 21 KNOW WHO I WAS. AND IN SPITE OF THE FACT THAT WE'VE
 22 KNOWN EACH OTHER FOR YEAR'S HE DID NOTHING TO PROTECT
 23 ME. I TRULY BELIEVED THAT ALL THESE YEARS I KNOWN HIM
 24 THAT HE WAS ONE OF THE GOOD GUYS THAT DAY ON AUGUST 16,
 25 2006 I LEARNED OTHERWISE. AND IT AMOUNTED TO DELIBERATE
 26 INDIFFERENCE AND VIOLATED MY RIGHTS UNDER THE
 27 UNITED STATES CONSTITUTION 8TH AND 14TH AMENDMENT TO
 28 EQUAL PROTECTION.

1 34). I THEN HEARED LAUGHTER AND NOTICE TO
 2 FEMALE MEDICAL ASSISTANTS LAUGHING AT ME. WHEN I
 3 REALIZED NO-ONE WOULD STOP THE ASSAULT ON ME I
 4 PLEADED WITH THEM "JUST DONT KILL ME" I SAID BECAUSE
 5 I WAS SO SCARED THAT I BELIEVED THAT THAT'S WHAT THEY
 6 WERE TRYING TO DO.

7 35). THE DEFENDANT BULLOCK THEN PULLED ME
 8 UP TO MY FEET BY THE HANDCUFF CHAIN LINKS AND
 9 FORCEFULLY RUSHED ME OUT TO THE MINI YARD AND
 10 FORCED ME UNDER A SHOWER WITH FREEZING COLD WATER
 11 THEN HE AND ANOTHER OFFICER RUSHED ME ACROSS THE
 12 PRISON YARD TO THE PROGRAM OFFICE I COULDNT WALK
 13 AT THIS TIME BECAUSE THEY REMOVED THE BRACE FROM MY
 14 RIGHT ANKLE AND MY RIGHT SHOE WAS MISSING. THE LEG
 15 IRONS WERE ON SO TIGHT THEY CUT INTO MY TENDON OF
 16 MY LEFT ANKLE. SO I WAS HALF DRAGED HALF LIMPED
 17 ALL THE WAY TO THE PROGRAM OFFICE ABOUT 320-400
 18 FEET I WAS PLACED IN THE SAME CAGE AS MENTIONED
 19 IN (25). ABOVE).

20 36). WHEN I ARRIVED, THERE WAS TWO OTHER
 21 INMATES IN OTHER CAGES, ONE I HAVE OBTAINED AN
 22 AFFIDAVIT FROM, THE OTHER IS UNKNOWN TO ME AT THIS TIME
 23 (BUT CAN BE NAMED THROUGH DISCOVERY) WHEN THE
 24 DEFENDANTS PLACED ME IN THE CAGE I ASKED FOR THE
 25 MTA AND TOLD THEM I COULDNT FEEL MY ARM'S THESE
 26 DEFENDANTS JUST WALKED OUT, DENYING ME MEDICAL
 27 TREATMENT. THE TWO INMATES BEGAN BANGING ON THE
 28 CAGES TO GET THE MTA, AND HANDCUFFS REMOVED.

1 THE DEFENDANTS CAME BACK AND TOOK ME TO ANOTHER
 2 PART OF THE INSTITUTION AND ONCE AGAIN I WAS HALF
 3 DRAGED HALF LIMPED FROM 3 YARD TO A YARD.

4 37). THE DEFENDANT J.T. PATCH FALSIFIED THE
 5 MEDICAL REPORT 7219 STATING THAT I HAD NO INJURIES
 6 THIS WAS DONE TO COVER UP THE ASSAULT ON ME. HE
 7 VIOLATED MY RIGHTS TO MEDICAL TREATMENT. AND FALSIFI-
 8 CATION OF AN OFFICIAL MEDICAL REPORT TO JUSTIFY NOT GIVING
 9 ME MEDICAL TREATMENT IS A VIOLATION OF PENAL CODE
 10 SECTION 134. HE KNEW I HAD SERIOUS INJURIES HE WAS
 11 STANDING THERE WATCHING AS I WAS BEATEN BUT KEEP
 12 THAT OFF THE REPORT SO THE DEFENDANTS WOULD EXCAPE
 13 LIABILITY.

14 38). UPON BEING HALF DRAGED TO A YARD. THE
 15 DEFENDANT BULLOCK CONTINUED TO THREATEN ME. HE TOLD
 16 ME IF I LOOKED AT HIM "HE WOULD TAKE ME DOWN TO THE
 17 GROUND" I WAS SHAKING AND SNEEZING FROM THE COLD
 18 AIR AND FREZZING SHOWER WATER I WAS FORCED UNDER
 19 HE TOLD ME IF I DIDNT STOP "HE WOULD TAKE ME DOWN TO
 20 THE GROUND AND ASSURED ME I WOULDNT LIKE IT."

21 39) WHEN I ARRIVED TO A YARD A.TAYLOR PSYCH-
 22 TECH GAVE ME 4 ASPRINS AND DOWN PLAYED MY INJURIES
 23 BY STATING THAT I HAVE TO SMALL ABRAISIONS ON MY BACK.

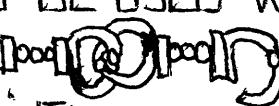
24 40). THAT SAME NIGHT I ATTEMPTED TO NOTIFY THE
 25 DEL NORTE COUNTY SUPERIOR COURT BY SENDING THEM A
 26 LETTER IN FACT I COULDNT USE MY HANDS WELL AND I
 27 SIMPLY WROTE ON A PEACE OF PAPER "THEY TRYING TO KILL ME"
 28 I WAS TRYING TO ESTABLISH THAT IF I DID IN FACT DIE,

1 FROM MY WOUNDS, THAT IT WAS NO FAULT OF MY OWN. I
 2 GAVE THE LETTER TO OFFICER CUSIAC SEALED AND SIGNED
 3 BY HIM.

4 41). ON 8-17-06, M.T.A. GUROSE, KNOWN TO ME AS,
 5 VICK.. WAS MAKING HIS MORNING ROUNDS HE SEEN ME AND
 6 THE BAD SHAPE I WAS IN. AND ORDERED THAT I BE BROUGHT
 7 OUT FOR FULL EVALUATION HE COMPLETED A 7219 MEDICAL
 8 REPORT OF ALL MY INJURIES. AND THAT REPORT IS NOW
 9 MISSING. HE PLACED ME ON THE EMERGENCY DOCTORS LINE
 10 AND BANDAGED MY WOUND'S. HE ALSO HAD ME TO WRITE A
 11 COMPLETE SYNOPSIS OF HOW I GOT MY INJURIES. IT TOOK ME
 12 A WHILE TO WRITE IT BECAUSE OF THE NERVE DAMAGE TO
 13 MY HAND'S AND THE PAIN I WAS IN. EVEN NOW I AM IN
 14 EXTREME PAIN AS I WRITE THIS SECOND AMENDED COMPLAINT.
 15 BECAUSE OF THE SERIOUSNESS OF MY INJURIES A VIDEO WAS
 16 MADE ~~■■■~~ AND AN INVESTIGATION INTO STAFF UNNECESSARY
 17 USE OF EXCESSIVE FORCE WAS ORDERED.

18 42). ON 8-17-06 DEFENDANT D.A. CHRIST CONDUCTED
 19 THE INVESTIGATION. I OBJECTED ON THE GROUNDS THAT HE
 20 WAS INVOLVED IN THE ISSUE BEING INVESTIGATED HE WAS ON
 21 SIGHT WATCHING AS I WAS BEATEN AND WAS THEREFORE
 22 DISQUALIFIED. HOWEVER HE DID SO ANYWAY TO COVER UP HIS
 23 COWORKERS ASSAULT ON ME AND FOUND IN FAVOR OF HIM-
 24 SELF AND HIS CODEFENDANTS. SURELY THIS COURT SEES THE
 25 INHERENT BIAS IN THIS DEFENDANT. HE PREDETERMINED THE
 26 GUILT OR INNOCENCE BEFORE THE INVESTIGATION STARTED. (IT'S
 27 LIKE THE FIRE MARSHAL INVESTIGATING AN ARSON FIRE CAUSED BY
 28 HIS COWORKER IN WHICH HE HIMSELF WATCHED BURN.)

1 43). I WAS GIVEN A 115 RULE VIOLATION REPORT
 2 FOR BATTERY ON A PEACE OFFICER BY THE DEFENDANT SPEAKER.
 3 IT WAS ENTIRELY FALSE, BUT THE HEARING OFFICE FOUND ME
 4 GUILTY ANYWAY, THIS WAS A CONTINUING EFFORT BY THESE
 5 DEFENDANTS TO RETALIATE AGAINST ME FOR THE EXERCISE
 6 OF MY FIRST AND EIGHTH AMENDMENT RIGHT.

7 44). ON 8-18-06 I WAS SEEN BY DOCTOR JAIN,
 8 M.D. I WAS PLACED ON DRESSING CHANGE FOR THE WOUNDS
 9 I SUSTAINED ON MY BACK AND LEFT WRIST, X-RAYS
 10 REVEILED A DAMAGED BONE IN MY RIGHT HAND AND I
 11 HAVE NERVE DAMAGE SO EXTENSIVE THE DOCTOR ORDERED
 12 THAT TO PAIR OF HANDCUFFS BE USED WHEN I AM HANDCUFFED
 13 IN THIS ILLUSTRATION "  " I AM ALSO RE-
 14 QUIRED TO WERE WRIST SPLINTS.

15 45). ON 8-22-06 THE DEFENDANT SPEAKER CAME
 16 TO MY CELL A2-128 TO HARASS ME, CALLING ME A DRUG
 17 ADDICT SAYING I MUST OF SMOKED CRACK WHEN I WAS
 18 YOUNG BUT I NEVER SMOKED CRACKED IN MY LIFE.

19 46). ON 8-23-06 I REQUESTED A CDC 119 QUERY
 20 WHICH IS A COMPUTER TRACKING OF ALL INDIVIDUAL INMATES
 21 OUTGOING AND INCOMING LEGAL MAIL TO AND FROM THE COURTS.
 22 IT SHOWED THAT THE LEGAL MAIL I SENT TO THE DEL NORT
 23 SUPERIOR COURT BY GIVING IT TO C/O CISIAC NEVER WENT
 24 OUT TO THE COURT. THE MAIL ROOM PERSONNEL ALSO INFORMED
 25 ME THAT " YOU HAVE NO RECORD OF ANY COURTS, BOC. WARDEN
 26 CERTIFIED GOING OUT "

27 47). I WAS AGAIN SUBJECTED TO HARASSMENT BY THE
 28 DEFENDANT SPEAKER ON 8-25-06, 8-26-06 AND 8-29-06.

1 48). ON 8-31-06 I WAS HARASSED BY THE DEFENDANT
 2 J. PETERSON, WHO CAME TO MY CELL A2-128 WITH A PROPERTY
 3 INVENTORY SLIP. AND TOLD ME I HAD TO MAIL SOME PROPERTY
 4 HOME. I TOLD HIM TO SEND MY PROPERTY TO THE ASU
 5 PROPERTY OFFICER C/O TURNER AND I WILL DEAL WITH HIM
 6 HE STATED NO AND THAT HE HAD A BOX AND TRUST WITHDRAWAL
 7 FORM READY FOR ME TO SIGN. WHEN I ASKED HIM TO GET
 8 AWAY FROM MY DOOR HE BECAME AGITATED AND MENTION
 9 THE FACT THAT I FILED A FORMAL COMPLAINT AGAINST HIM
 10 AND SAID THAT

11 "YOU KNOW WHAT'S GOING TO
 12 HAPPEN YOU KNOW HOW IT GOES?"

13 I TOOK THIS AS A THREAT AGAINST MY PERSON AND MORE
 14 RETALIATION. SO I TURNED OFF MY CELL LIGHT AND TOLD
 15 HIM TO GET THE FUCK AWAY FROM ME.

16 49). ON 9-14-06 THE DEFENDANT J. MCBRIDE CAME
 17 TO MY CELL A2-128 AND ASKED ME IF I WAS ALRIGHT. I
 18 TOLD HIM THAT I WAS DISAPPOINTED IN HIM BECAUSE HE COULD
 19 HAVE STOPPED THEM FROM BEATING ME. HE SAID,

20 "WHAT COULD I DO A SERGENT
 21 (TOMPSON) LIEUTANANT (CHRIST)
 22 AND A CAPTAIN (KELLY) WAS
 23 RIGHT THERE"

24 I TOLD HIM WHAT HAPPEND ABOUT ME GETTING MY ADDRESS
 25 BOOK AND BEING BEATTEN FOR IT. HE SAID,
 26

27 "YEAH I KNOW THATS WHAT THEY TOLD
 28 US WE GOT CALLED IN AND CHEWED
 OUT"

1 I ASKED HIM WHY HE DIDNT TAKE PHOTOS OF MY INJURIES
 2 HE SAID HE WAS TOLD THAT I DIDNT HAVE ANY INJURIES.

3 50). ON 11-22-06 I WENT BEFORE THE INSTITU-
 4 TION CLASSIFICATION COMMITTEE WHO'S MEMBERS CONSISTED
 5 OF THE DEFENDANT M.COOK, J.AKIN, J.MOULTON PHD,
 6 AND K.CRUZE. I ENFORMED THE DEFENDANTS THAT I
 7 FILED A COMPLAINT AGAINST THERE CODEFENDANT FOR
 8 FALSELY CHARGING ME AND RETALIATING. AND BECAUSE
 9 THE DEFENDANT M.COOK IS THE CHIEF DISCIPLINARY
 10 OFFICER I ASKED HIM IF HE AT LEAST READ THE REPORT
 11 BEFORE HE SIGNED HIS NAME TO IT. HE BECAME VERY
 12 ANGERY AND IN A LOUD CONTEMPTFUL VOICE SAID

13 "OH YOUR A SMART ASS, WE'LL
 14 SEE HOW YOU LIKE IT WHEN WE
 15 TRANSFER YOU TO PELICAN BAY
 16 SHU?"

17 I TOLD HIM THAT I WAS ONLY QUESTIONING THE REPORT. AND
 18 THAT I AM EXCLUDED FROM PBSP SHU DUE TO MY
 19 MENTAL ILLNESS. THE DEFENDANT AKEIN STATED,

20 " YOU DISPECTING THE MAN?"

21 THE DEFENDANT COOK THEN STATED TO THE DEFENDANT
 22 MOULTON

23 " MR. MOULTON, YOU CAN CLEAR HIM
 24 FOR PELICAN BAY SHU CANT YOU?"

25 THE DEFENDANT MOULTON STATED,

26 " YES I CAN DO THAT"

27 THE DEFENDANT CRUZE THEN STATED TO ME,

28 " SEE WHAT YOU DONE, GOT ANY ELSE SMART TO SAY?"

1 30). THESE DEFENDANTS USED FORCE MALICIOUSLY
2 AND SADISTICALLY TO CAUSE HARM IN RETALIATION FOR THE
3 EXERCISE OF MY FIRST AND EIGHT AMENDMENT RIGHTS.
4 THESE WERE VENGEFUL ACTS OF ■ FRUSTRATED PRISON
5 GUARDS DUE TO MY CONTINUED REFUSAL TO DOUBLE CELL
6 AND INFORMING THESE DEFENDANTS THAT I'LL FILE A
7 COMPLAINT. THERE WAS NOT PENALOGICAL JUSTIFICATION
8 FOR THIS UNNECESSARY AND EXCESSIVE USE OF FORCE. AND
9 IT AMOUNTED TO A VIOLATION OF MY EIGHTH AMENDMENT
10 RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT
11 AND VIOLATED MY EQUAL PROTECTION TO THAT RIGHT, UNDER
12 THE 14TH AMENDMENT OF THE US CONSTITUTION.

13 31). I THEN LOOKED AND SEEN THE DEFENDANT
14 LIEUTENANT D.A CHRIST AND ASKED HIM, NO I PLEADED FOR
15 HIM TO TAKE CHARGE OF THE SITUATION HE LOOKED RIGHT AT ME
16 WE MADE EYE CONTACT AND HE WALKED RIGHT OUT THE DOOR
17 AND ALLOWED THEM TO CONTINUE TO ASSAULT ME. THIS
18 SUPERVISOR JUST STOOD BY AND LET AN UNLAWFUL BEATING
19 TO CONTINUE. EVENTHOUGH HE HAD THE OPPORTUNITY AND
20 AUTHORITY TO STOP THE BEATING. THIS AMOUNTS TO DELIBERATE
21 INDIFFERENCE IT WAS A SPEAKING SILENCE TO THE DEFENDANT'S
22 THAT THEY HAD HIS APPROVAL TO CONTINUE.

23 32). I THEN LOOKED AND SEEN WHOM I BELIEVED AT
24 THAT TIME WAS "LIEUTENANT MCKINNEY." I LATER FOUND OUT
25 THAT THAT PERSON WAS CAPTAIN G. KELLY. I CALLED HIM
26 LIEUTENANT MCKINNEY BECAUSE HE AND CAPTIN KELLY RESEMBLE
27 EACH OTHER. I ALSO PLEADED WITH HIM TO TAKE CONTROL OF
28 THE SITUATION.

1 51). ON 11-22-06 I FILED A 602 APPEAL ON
 2 THESE DEFENDANTS. J MOULTON PHD TOLD ME ON 11-27-06
 3 " YOUR PROBLEM IS WITH AW COOK
 4 NOT WITH ME?"

5 52). I EXPLAINED TO THESE DEFENDANT'S THAT I HAD
 6 BRAIN SURGERY AS A TEEN, AND HAVE A METAL PLATE IN MY
 7 HEAD AND ON PSYCHIATRIC MEDICATION.

8 53). ON 1-24-07 I SEEN THE DEFENDANT MANDEL
 9 PHD. WHO DENIED MY APPEAL AND ALSO TOLD ME THAT THE
 10 DEFENDANT COOK WAS IN CHARGE OF CUSTODY AND
 11 " WHERE HE WANTS YOU IS WHERE
 12 YOU'LL BE."

13 54). ON 2-14-07 MY APPEAL WAS AGAIN DENIED
 14 AND THIRD LEVEL DENIED IT ON 6-8-07.

15 55). THE DEFENDANT COOK, MANIPULATED MY CRITIRIA
 16 AS CCLMS EXCLUSION FROM PBSP SHU IN RETALIATION FOR
 17 THE EXERCISE OF MY FIRST AMENDMENT RIGHT.

18 56). WHILE AWAITING THE THIRD LEVEL RESPONSE, THE
 19 DEFENDANTS ACTIONS OF APPROVING ME FOR PBSP SHU AS
 20 RETALIATION CAUSED MY MEDICATION TO BE STOPED. I THEN
 21 WENT INTO A DEEP DEPRESSION FROM DEALING WITH THE
 22 RETALIATION FROM THESE DEFENDANTS ADDED WITH THE
 23 DEATH OF MY MOTHER ON 9-28-05, AND THE DEATH OF MY BROTHER
 24 ON MAY 17, 2006.

25 57).ON OR ABOUT MARCH 1, 2007 I WAS TRANS-
 26 FERED TO PELICAN BAY SHU. AFTER ATTEMPTING SUICIDE
 27 I WAS TRANSFERED TO PBSP INFIRMARY FOR SUICIDE
 28 PREVENTION PROGRAM.

1 AND WHEN I WAS ONCE AGAIN BACK ON MEDICATION AND
 2 STABLE I WAS SENT BACK TO PBSP SHU.

3 58). ON APRIL 12, 2007, I NOTIFIED THE UNITED
 4 STATES DISTRICT JUDGE THERESA HENDERSON AND THE
 5 SPECIAL MASTER JOHN HAGAR ABOUT THE RETALIATION
 6 AGAINST ME AND THAT THE DEFENDANTS VIOLATING THE
 7 COURT ORDERS IN THE MADRID V. TILTON, C07-3094 T.E.H.

8 59). I ALSO WROTE STEVEN FAMA FROM THE PRISON
 9 LAW OFFICE WHO RESPONDED ON 4-20-07 INFORMING ME
 10 THAT I WAS A MEMBER IN THE CLASS ACTION OF MADRID.
 11 AND THAT HE CONTACTED THE ATTORNEY GENERAL ABOUT MY
 12 CASE FACTORS.

13 60) ON 4-25-07 I WAS OUT OF MY CELL C11-108
 14 FOR AN INTERVIEW WITH MR. DOUGLAS WHO IS A LICENSE CASE
 15 SOCIAL WORKER (LCSW). I THEN SEEN C/O CUSIAC, THE OFFICER
 16 WHO FAILED TO SEND OUT MY LEGAL MAIL OUT ON 8-16-06. I
 17 ASKED HIM WHY HE DID NOT SEND OUT MY LEGAL MAIL, AND
 18 I INFORMED HIM OF THE COMPUTER 119-QUERY PROCEDURE
 19 IN THE MAIL ROOM. WHICH IS A TRACKING PROCESS OF ALL
 20 INCOMING AND OUTGOING LEGAL MAIL OF INDIVIDUAL INMATES.
 21 HE THEN TOLD ME IN FRONT OF MR. DOUGLAS, THAT AFTER
 22 TAKING MY LEGAL MAIL "HE TOOK IT TO THE DEFENDANT SER-
 23 GENT WRIGHT WHO THEN BROKE THE SEAL OPENED IT AND
 24 READ ITS CONTENTS AND THEN THREW MY LEGAL MAIL AWAY"
 25 I COULDNT BELIEVE HE WAS ACTUALLY TELLING ME THE TRUTH
 26 I SAID TO MR. DOUGLAS "DO YOU HEAR THIS" HE SAID YEAH
 27 I TOLD MR DOUGLAS TO WRITE IT DOWN IN HIS NOTE BOOK
 28 BECAUSE I MAY BE CALLING HIM AS A WITNESS,

1 THE DEFENDANT PETERSON THEN PULLED OUT
 2 HIS O.C. PEPPER SPRAY AND SPRAYED A LONG BURST OF
 3 ABOUT 7 TO 9 SECONDS I THEN LAID DOWN ON THE GROUND
 4 IN HOPES THAT THEY WOULD STOP THERE ASSAULTIVE
 5 BEHAVIOR THE DEFENDANT PETERSON THEN JUMPED DOWN
 6 ON MY BACK WITH ALL OF HIS BODY WEIGHT AND THE
 7 DEFENDANT SPEAKER DID THE SAME TO MY LEGS THEY DELIBERATELY
 8 PLACED THE HANDCUFFS ON WRONG AND SO TIGHT THAT I LOST
 9 CIRCULATION IN MY LEFT ARM AND THE HAND CUFFS CUT
 10 DEEP INTO MY SKIN.

11 29). AT NO TIME DID I HIT, KICK, SWING, OR PUNCH
 12 THESE DEFENDANTS. THE ONLY TIME I ATTEMPTED TO DEFEND
 13 MYSELF WAS WHEN I PUT MY HANDS IN FRONT OF MY FACE
 14 TO PREVENT FROM BEING SPRAYED. AND AT THAT TIME I
 15 WAS AT LEAST 5 TO 7 FEET AWAY FROM THESE DEFENDANTS.
 16 THE DEFENDANT SPEAKER THEN TOLD THE DEFENDANT M.D.
 17 BULLOCK TO HOLD ME DOWN WHILE HE WENT TO WASH OFF
 18 SOME O.C. SPRAY THAT GOT ON HIM. EVENTHOUGH I WAS
 19 NOT RESISTING AND THERE WAS NO NEED TO HOLD ME DOWN
 20 THE DEFENDANT M.D. BULLOCK THEN JUMPED DOWN ON MY
 21 BACK, GRABBED MY HEAD AND VIOLENTLY WRENCHING IT TO
 22 THE LEFT SLAMMING THE RIGHT SIDE OF MY FACE TO THE
 23 CONCRETE FLOOR AND THEN PUNCHED ME IN THE LEFT SIDE
 24 OF MY JAW, AND PLACED AN ENORMOUS AMOUNT OF
 25 PRESSURE ON MY HEAD. I COULD NOT EVEN DEFEND
 26 MYSELF IF I WANTED TO, I WAS IN HANDCUFFS APPLIED
 27 IN SUCH A WAY THAT COMPLETELY STOPED THE BLOOD FLOW TO
 28 MY HANDS AND I WAS IN LEG IRONS.

1 TO THE FACT THAT THIS OFFICER ADMITTED THAT THE DE-
 2 FENDANT SERGEANT WRIGHT OBSTRUCTED MY 1ST AMENDMENT
 3 RIGHT TO CORRESPOND WITH THE COURTS, BY DESTROYING MY
 4 LEGAL MAIL IN RETALIATION FOR NOTIFYING THE COURTS AND
 5 TO KEEP THE PUBLIC AND HONORABLE JUDICIAL ADMINISTRATION
 6 FROM KNOWING THAT I WAS BEATEN.

7 61). ON 5-3-07 I RECEIVED NOTICE FROM
 8 BEVERLY CORONADO, ASSISTENT TO THE SPECIAL MASTER
 9 JOHN HAGAR IN THE MADRID CASE ID INFORMING ME THAT,
 10 THE HONORABLE THELTON E. HENDERSON, AND SPECIAL MASTER
 11 WAS IN RECEIPT OF MY CORRESPONDENCE CONCERNING MY
 12 MENTAL HEALTH. AND THAT THE ISSUE MUST NOW BE REVIEWED
 13 BY THE PRISON LAW OFFICE. WHICH WAS ALREADY IN PROCESS.

14 62). SOON THEREAFTER THE DEASTY ATTORNEY GENERAL
 15 MIKE JORGENSEN, ORDERED AN IMMEDIATE REVIEW OF MY
 16 MENTAL HEALTH. IT WAS DETERMAINED THAT MY SHU PLACEMENT
 17 WAS NOT CONSISTENT WITH COURT ORDERS THAT REQUIRE PBSP
 18 TO USE AND COMPLY WITH HEALTH CARE POLICIES AND PROCEDURES
 19 SO THAT ADEQUATE CARE WAS PROVIDED. I WAS THEN IMME-
 20 DIATELY MOVE FROM SHU AND PLACED BACK IN CCLMS
 21 ADMINISTRATIVE SEGREGATION. AND ORDERED TO BE
 22 TRANSFERED TO CORCORAN STATE PRISON WHERE MY MENTAL
 23 HEALTH CONCERNS CAN BE ADEQUATLLY ADDRESSED.

24 63). ON 5-22-07 I HAD TO UNDERGO MORE PAIN BY
 25 ELECTRO SHOCK. WHEN I WAS EXAMINED BY NEUROLOGY
 26 CONSULTANT LARRY J. MAUKONEN ELECTRICITY WAS THE ONLY WAY
 27 TO DETERMAIN THE EXTENT OF DAMAGE CAUSE TO MY NERVES IN
 28 MY WRISTS. HE RECOMENDED THAT I BE SEEN BY A SURGEON,

1 TO CORRECT THE DAMAGE HIS FINDINGS ARE AS FOLLOWS:

2 " NERVE CONDUCTIVE STUDIES WERE CARRIED OUT.
 3 THEY REVEAL BILATERAL ULNAR NEUROPATHIES AT
 4 THE ELBOWS, RIGHT WORSE THAN LEFT, WITH MODERATE
 5 SLOWING OF THE RIGHT ULNAR MOTOR CONDUCTION
 6 VOLCITY ACROSS THE ELBOW AT 34 M/S. AND MILD
 7 SLOWING OF THE LEFT ULNAR MOTOR CONDUCTION
 8 VOLCITY ACROSS THE ELBOW AT 46 M/S. ALL OF HIS
 9 DISTAL LATENCIES BOTH MOTOR AND SENSORY ARE
 10 PROLONGED, THIS IS SLIGHTLY WORSE FOR THE ULNAR
 11 SENSORY LATENCIES AT THE WRIST. LEAST AFFECTED
 12 ARE THE RADIAL CENTRAL LATENCIES AT THE WRIST
 13 MUCH OF THIS PROLONGATION CAN PROBABLY BE
 14 ACCOUNTED FOR BY THE COOLNESS OF HIS HANDS,
 15 ALTHOUGH IT IS POSSIBLE THAT HE HAS SOME EN-
 16 TRAPMENT PARTICULARLY OF THE ULNAR NERVE AT
 17 HIS WRIST IN VIEW OF THE DEGREE OF SWELLING
 18 FOUND IN THESE STUDIES."

19 64). ON JULY 11, 2007, I WAS TRANSFERED TO
 20 CORCORAN STATE PRISON.

21 65). BECAUSE OF THIS BRUTAL ASSAULT ON ME I
 22 SUFFERED HEADACH'S FROM BEING HIT AT THE BASE OF MY
 23 SKULL, MY JAW GETS LOCKED IN THE OPEN POSITION WHENEVER I
 24 YAWN TO WIDE OR WHEN I BRUSH MY TEETH. FROM BEING
 25 PUNCHED IN THE JAW. I HAD TROUBLE BREATHING FOR WEEKS
 26 FROM BEING HIT ON THE BACK WHEN THE DEFENDANT PETERSON
 27 DROVE HIS BATON INTO MY BACK LIKE A STAKE AND THEN
 28 JUMPED DOWN ON MY BACK WHILE I LAID ON THE GROUND.

1 MY WRIST GO NUMB AND I HAVE TO STOP WHATEVER I'M DOING
 2 TO WORK THE NUMBNESS AWAY. AND THE PAIN FROM MY
 3 RIGHT WRIST UP TO MY ELBOW IS CONSTENT. MY BODY IS
 4 LEFT WITH LASTING MARKS FROM THIS ASSAULT ON ME. MY
 5 WRIST HAVE THE SCARS FROM THE HAND CUFF'S. BOTH MY
 6 ACHILLES HEELS HAVE THE SCAR'S FROM THE LEG IRONS THAT
 7 CUT INTO MY ACHILLES TENDON AND TWO SCARS REMAIN IN
 8 THE SHAPE OF CIRCLES ON MY BACK. I WAS HUMILIATED
 9 AND ~~W~~TREATED AS IF I HAD NO VALUE AT ALL AS A HUMAN
 10 BEING. I WAS TORTURED PHYSICALLY AND MENTALLY.

11
 12 RELIEF

13 A: ISSUE AN INJUNCTION ORDERING THE DEFENDANT'S
 14 THERE AGENTS TO:

- 15 1). IMMEDIATELY ARRANGE FOR THE PLAINTIFFS TO
 16 BE SEEN BY A NEUROLOGY SURGEON TO HAVE
 17 CORRECTIVE SURGERY.
- 18 2). IMMEDIATELY ARRANGE FOR THE PLAINTIFFS
 19 NEED FOR PHYSICAL THERAPY OR OTHER FOLLOW
 20 UP MEDICAL TREATMENT TO BE EVALUATED BY
 21 A MEDICAL PRACTITIONER WITH EXPERTISE IN
 22 TREATMENT AND RESTORATION OF FUNCTION OF
 23 ULNAR NERVES.
- 24 3). CARRY OUT WITHOUT DELAY THE TREATMENT
 25 DIRECTED BY SUCH MEDICAL PRACTITIONER.
- 26 4). EXPUNGE THE DISCIPLINARY CONVICTION DISCRIBED
 27 IN THIS COMPLAINT.

B. ISSUE A DECLATORY JUDGEMENT THAT;

- 1). THE RETALIATION AGAINST THE PLAINTIFF WAS UNCONSTITUTIONALLY PROHIBITED.
- 2). DOUBLE CELLING IS NOT MANDATED BY THE U.S. CONSTITUTION. AND RETALIATING AGAINST THE PLAINTIFF FOR EXERCISING HIS CONSTITUTIONAL RIGHT UNDER THE EIGHTH AMENDMENT WHEN HE REFUSE TO DOUBLE CELL COMPOUNDED THE EIGHTH AMENDMENT VIOLATION.
- 3). THE DOUBLE CELLING POLICY IS UNCONSTITUTIONAL AND UNINFORCEABLE. AND AN UNDERGROUND POLICY AS DEFINED IN TITLE 1, CALIFORNIA CODE OF REGULATIONS SECTION 250. AND APPLY THE JUDGEMENT RETROACTIVELY TO ALL INMATES SIMILARLY SITUATED WHO HAVE ALSO BECOME VICTIMES OF UNCONSTITUTIONAL RETALIATION FOR REFUSING TO DOUBLE CELL.

C. AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS;

1). \$100000 ONE HUNDRED THOUSAND DOLLARS
JOINTLY AND SEVERALLY AGAINST DEFENDANTS
J. PETERSON, C. SPEAKER AND M.D. BULLOCK
FOR THE PHYSICAL AND EMOTIONAL INJURIES
SUSTAINED AS A RESULT OF THE PLAINTIFF BEING
BEATEN BY THESE DEFENDANTS. VIOLATING THE
PLAINTIFF'S CONSTITUTIONAL RIGHTS.

1 2). \$50,000 FIFTY THOUSAND DOLLARS JOINTLY
 2 AND SEVERALLY AGAINST DEFENDANTS S.L.
 3 THOMPSON, J. McBRIDE, D A. CHRIST AND
 4 G. KELLY. FOR THE PHYSICAL AND EMOTIONAL
 5 INJURIES RESULTING FROM THEIR FAILURE
 6 TO STOP THE BEATING.

7 3). \$50,000 FIFTY THOUSAND DOLLARS AGAINST
 8 THE DEFENDANT J.T. PATCH FOR FAILURE TO
 9 PROVIDE MEDICAL TREATMENT.

10 4). \$100,000 ONE HUNDRED THOUSAND DOLLARS
 11 JOINTLY AND SEVERALLY AGAINST DEFENDANTS
 12 M. COOK, J. AKIN, J. MOULTON, K. CRUSE
 13 AND D. MANDEL. FOR VIOLATING THE
 14 PLAINTIFF'S FIRST & EIGHTH AMENDMENT RIGHTS
 15 AND COURT ORDERS UNDER BOTH MADRID V. TILTON,
 16 C-90-3094-T.EH. COLEMAN V. SCHWARZENEGGER.

17 5). \$100,000 ONE HUNDRED THOUSAND DOLLARS
 18 JOINTLY AND SEVERALLY AGAINST DEFENDANTS
 19 K. GETZ, J. BROWN, S. LUCKETT AND R. TUPY.
 20 FOR RETALIATING AGAINST THE PLAINTIFF FOR
 21 THE EXERCISE OF CONSTITUTIONAL RIGHTS.

22 6). \$100,000 ONE HUNDRED THOUSAND DOLLARS
 23 AGAINST THE DEFENDANT WRIGHT FOR
 24 RETALIATING AGAINST THE PLAINTIFF FOR
 25 EXERCISE OF HIS CONSTITUTIONAL RIGHTS
 26 AND THROWING AWAY THE PLAINTIFFS LEGAL
 27 MAIL.

28 "

1 D. AWARD PUNITIVE DAMAGES AGAINST EACH DEFENDANT
2 LISTED HERE IN THE AMOUNT OF \$50,000 FIFTY THOUSAND
3 DOLLARS; AGAINST: J. AKIN,

4 J. PETERSON, C. SPEAKER, M.D. BULLOCK, M. COOK

5 K. CRUSE, J. MOULTON, D. MANDEL AND S. WRIGHT.

6 \$ 20,000 TWENTY THOUSAND DOLLARS AGAINST EACH
7 DEFENDANT LISTED HERE;

8 S.L. THOMPSON, J. MCBRIDE, D.A. CHRIST, G. KELLY,

9 K. GETZ, J. BROWN, S. LUKEITT, R. TUPY.

10 \$ 10,000 TEN THOUSAND DOLLARS AGAINST THE
11 DEFENDANT. J.T. PATCH.

12 E. AWARD NOMINAL DAMAGES AND OTHER SUCH
13 RELIEF AS IT MAY APPEAR THE PLAINTIFF IS
14 INTITLED TO AS DEEMED NECESSARY BY THE COURT.

16 THIS COMPLAINT IS THE SWORN AFFIDAVIT
17 OF THE PLAINTIFF CURTIS LEE HENDERSON SR. DECLARED UNDER
18 PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
19 CALIFORNIA THAT THE FORGOING IS TRUE AND CORRECT AND
20 THOSE MATTERS STATED ON GOOD FAITH AND BELIEF TO BE
21 TRUE AND CORRECT AS WELL. AND IF CALLED TO TESTIFY ON
22 THE MATTERS STATED HEREIN I WILL DO SO.

23 2-22-08

24 DATED



25 CURTIS LEE HENDERSON SR

26 //

27 //

28 //

1
2 PROOF OF SERVICE

3 I CURTIS LEE HENDERSON SR. DECLARE THAT I AM
4 THE PLAINTIFF IN THE ABOVE ENTITLED CASE MY ADDRESS IS P.O.
5 BOX 3481 CORCORAN CALIFORNIA 93212 AND I SERVED THE
6 DOCUMENT LISTED HERE SECOND AMENDED COMPLAINT ON THE
7 FOLLOWING,
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIF
11 1301 CLAY STREET 400 S. TOWER
12 OAKLAND CALIF 94612-5212

13
14 BY PLACING SAID DOCUMENT IN A SEALED ENVELOPE WITH
15 POSTAGE PREPAID.

16 I DECLARE UNDER PENALTY OF PERJURY UNDER THE
17 LAWS ~~OF~~ THE STATE OF CALIFORNIA THAT THE FORGOING IS TRUE
18 AND CORRECT.

19 2-25-08

20 DATED

21 CURTIS LEE HENDERSON SR

22 //
23 //
24 //
25 //
26 //
27 //